

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

<b>WILLIAM G. ODEN</b>	)	
Claimant	)	
VS.	)	
	)	
<b>INDIAN HILLS AMOCO</b>	)	Docket No. 192,461
Respondent	)	
AND	)	
	)	
<b>FEDERATED MUTUAL INSURANCE COMPANY</b>	)	
Insurance Carrier	)	

**ORDER**

Claimant requested Appeals Board review of the Award entered by Special Administrative Law Judge Michael T. Harris on June 11, 1996. The Appeals Board heard oral argument by telephone conference on December 5, 1996.

**APPEARANCES**

Claimant appeared by his attorney, Stephen J. Jones of Wichita, Kansas. Respondent and its insurance carrier appeared by their attorney, Richard J. Liby appearing for Robert G. Martin of Wichita, Kansas. There were no other appearances.

**RECORD AND STIPULATIONS**

The Appeals Board has considered the record and adopted the stipulations listed in the Award of the Special Administrative Law Judge.

### ISSUES

The Special Administrative Law Judge denied claimant's request for compensation benefits finding claimant failed to meet his burden of proving he sustained a personal injury by accident that arose out of and in the course of his employment with the respondent. That is the single issue before the Appeals Board for review.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record, considering the briefs, and hearing the arguments of the parties, the Appeals Board finds as follows:

The claimant alleged he injured his left hand while employed by the respondent on July 5 and again on July 9, 1994. Claimant claimed he was replacing a clutch in a Ford Bronco on July 5, 1994, when the transmission transfer case fell on his left hand causing injury. On July 9, 1994, claimant testified he again injured his left hand when the respondent's owner's son struck the hand with a hammer as he was holding a crow bar attempting to free the respondent's owner from a locked office.

Conversely, respondent argues that claimant's left hand injury occurred either on July 1 or July 3, 1994, when he struck his son in the face and subsequently struck a kitchen cabinet with his left hand during an argument at home.

The medical evidence in the record supports the fact that claimant did fracture his left hand sometime in the first part of July of 1994. Dr. George L. Lucas, M.D., diagnosed a fracture at the base of the fifth metacarpal on claimant's left hand. Dr. Lucas surgically repaired the fracture on August 2, 1994.

Claimant and the respondent both presented testimony from witnesses that supported their respective positions on how claimant fractured his left hand. After a review of the entire record, which included the testimony of the claimant, respondent's owner, and five additional witnesses, the Appeals Board agrees with the Special Administrative Law Judge and affirms his decision that denied claimant compensation benefits. The Appeals Board finds claimant failed to prove by a preponderance of the credible evidence that he injured his left hand while working for the respondent.

The Appeals Board also concludes that the Special Administrative Law Judge's analysis of the evidence is accurate and appropriate. Therefore, the Appeals Board adopts the Special Administrative Law Judge's findings and conclusions contained in his Award as its own as if specifically set forth in this Order.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award entered by Special Administrative Law Judge Michael T. Harris dated June 11, 1996, should be, and is hereby affirmed in all respects. The claimant, William G. Oden, is denied an Award of compensation benefits against the respondent, Indian Hills Amoco, and its insurance carrier, Federated Mutual Insurance Company.

All remaining orders entered by the Special Administrative Law Judge are hereby adopted by the Appeals Board.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of December 1996.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Stephen J. Jones, Wichita, KS  
Robert G. Martin, Wichita, KS  
Michael T. Harris, Special Administrative Law Judge  
Nelsonna Potts Barnes, Administrative Law Judge  
Philip S. Harness, Director